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2:24-cv-3265

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

12 ALEXANDRA RASEY-SMITH;  
13 GORDON GENE MACCANI; and  
JANET MACCANI.

## Plaintiffs.

vs.

17 CITY OF LOS ANGELES; and DOES  
1-10, inclusive.

## Defendants.

Case No. 2:24-cv-3265

## COMPLAINT FOR DAMAGES

1. Unreasonable Search and Seizure—Excessive Force (42 U.S.C. § 1983)
2. Unreasonable Search and Seizure—Denial of Medical Care (42 U.S.C. § 1983)
3. Substantive Due Process (42 U.S.C. § 1983)
4. Battery (Wrongful Death and Survival Damages)
5. Negligence (Wrongful Death and Survival Damages)
6. Violation of Bane Act (Cal. Civil Code § 52.1)

## DEMAND FOR JURY TRIAL

# COMPLAINT FOR DAMAGES

24 1. Plaintiffs ALEXANDRA RASEY-SMITH, GORDON GENE MACCANI  
25 and JANET MACCANI, for their complaint against Defendants CITY OF LOS  
26 ANGELES, and Does 1-10, inclusive, allege as follows:

## **INTRODUCTION**

2       2. This civil rights action seeks compensatory and punitive damages from  
3 Defendants for violating various rights under state law and the United States  
4 Constitution in connection with the fatal officer involved shooting of Jason  
5 Maccani (“DECEDENT”), by members of the Los Angeles Police Department  
6 (“LAPD”).

## PARTIES

8       3. At all relevant times, Jason Maccani (“DECEDENT”), was an individual  
9 residing in the County of Los Angeles, California.

10 4. Plaintiff ALEXANDRA RASEY-SMITH is an individual residing in the  
11 County of Los Angeles, and was the wife of the DECEDEDNT. ALEXANDRA  
12 RASEY-SMITH sues both in her individual capacity as the wife of DECEDEDNT  
13 and in a representative capacity as a successor-in-interest to DECEDEDNT. Plaintiff  
14 ALEXANDRA RASEY-SMITH seeks both survival damages, including  
15 DECEDEDNT's pain and suffering and loss of enjoyment of life and wrongful death  
16 damages under state and federal law.

17 5. Plaintiff GORDON GENE MACCANI is an individual residing in the  
18 County of Los Angeles, California, and is the natural father to DECEDEDNT.  
19 GORDON GENE MACCANI sues in his individual capacity as the father of  
20 DECEDEDNT. GORDON GENE MACCANI seeks wrongful death damages under  
21 state and federal law.

22 6. Plaintiff JANET MACCANI is an individual residing in Clark County,  
23 Nevada, and is the natural mother to DECEDEDENT. JANET MACCANI sues in her  
24 individual capacity as the mother of DECEDEDENT. JANET MACCANI seeks  
25 wrongful death damages under state and federal law.

26 7. At all relevant times, Defendant CITY OF LOS ANGELES (“CITY”) is and  
27 was a duly organized public entity, form unknown, existing under the laws of the  
28 State of California. At all relevant times, CITY was the employer of Defendants

1 DOES 1-3, who were CITY police officers, DOES 4-6, who were CITY police  
2 officers' supervisorial officers, and DOES 7-10, who were managerial,  
3 supervisorial, and policymaking employees of the CITY's police department. On  
4 information and belief, at all relevant times, DOES 1-10 were residents of the  
5 County of Los Angles, California. DOES 1-10 are sued in their individual capacity  
6 for damages only.

7 8. At all relevant times, Defendants DOES 1-10 were duly authorized  
8 employees and agents of CITY, who were acting under color of law within the  
9 course and scope of their respective duties as sheriff's deputies and with the  
10 complete authority and ratification of their principal, Defendant CITY.

11 9. At all relevant times, Defendants DOES 1-10 were duly appointed officers  
12 and/or employees or agents of CITY, subject to oversight and supervision by  
13 CITY's elected and non-elected officials.

14 10. In doing the acts and failing and omitting to act as hereinafter described,  
15 Defendants DOES 1-10 were acting on the implied and actual permission and  
16 consent of CITY.

17 11. At all times mentioned herein, each and every CITY defendant was the  
18 agent of each and every other CITY defendant and had the legal duty to oversee and  
19 supervise the hiring, conduct and employment of each and every CITY defendant.

20 12. The true names of defendants DOES 1 through 20, inclusive, are unknown  
21 to PLAINTIFFS, who therefore sue these defendants by such fictitious names.  
22 PLAINTIFFS will seek leave to amend this complaint to show the true names and  
23 capacities of these defendants when they have been ascertained. Each of the  
24 fictitious named defendants is responsible in some manner for the conduct and  
25 liabilities alleged herein.

26 13. On February 23, 2024, PLAINTIFFS served their claims for damages with  
27 CITY pursuant to applicable sections of the California Government Code.

28 14. On March 19, 2024, CITY rejected PLAINTIFFS' claims for damages.

## **JURISDICTION AND VENUE**

2 15. This civil action is brought for the redress of alleged deprivations of  
3 constitutional rights as protected by 42 U.S.C. §§ 1983, 1985, 1986, 1988, and the  
4 Fourth and Fourteenth Amendments of the United States Constitution. Jurisdiction  
5 is founded on 28 U.S.C. §§ 1331, 1343, and 1367.

6       16. Venue is proper in this Court under 28 U.S.C. § 1391(b), because  
7 Defendants reside in, and all incidents, events, and occurrences giving rise to this  
8 action occurred in, the County of Los Angeles, California.

## FACTS COMMON TO ALL CLAIMS FOR RELIEF

11       17. Plaintiffs repeat and reallege each and every allegation in paragraphs 1  
12 through 16 of this Complaint with the same force and effect as if fully set forth  
13 herein.

14       18. On February 3, 2024, DECEDENT was on the 800 Block of East 7th Street,  
15       in Los Angeles. While at this location, the involved CITY police officers  
16       discharged their firearms at DECEDENT, striking him, causing serious physical  
17       injury and eventually killing him.

18 19. DECEDENT had a white plastic fork in one of his hands at the time of the  
19 incident and he was not armed with a knife or gun, during the encounter with  
20 police. The white plastic fork in Decedent's hand did not resemble a knife or any  
21 other dangerous weapon, and was, or should have been, easily distinguishable from  
22 a knife or a gun.

23 20. There were less than lethal alternatives to using deadly force against  
24 DECEDENT, especially since he only had a plastic fork in his hands. These  
25 weapons include less lethal shotguns and 40mm rounds, taser guns, pepper spray  
26 and simply going hands on with DECEDENT. DECEDENT was also significantly  
27 out-numbered by the involved officers and he did not physically injure anyone,  
28 including the involved officers, during the incident.

1       21. The involved officers did not give DECEDENT a verbal warning that  
2 deadly force would be used before they shot him, despite being feasible to do so.

3       22. DECEDENT did not physically injure anyone during the incident and he did  
4 not pose an immediate or imminent threat of death or serious physical injury to  
5 either the involved officers or any other person at the time of the shooting.  
6 DECEDENT was not about to kill or cause serious bodily injury to anyone when he  
7 was fatally shot by the involved officers and he did not disarm or try to take any of  
8 the officers' guns. The conduct of DECEDENT was not immediately life  
9 threatening, making the use of deadly force against him unnecessary.

10       23. On information and belief, the involved officers did not provide timely  
11 medical care to DECEDENT, they did not timely summons medical assistance for  
12 DECEDENT, and/or they prevented medical assistance from being timely provided  
13 to DECEDENT.

## **FIRST CLAIM FOR RELIEF**

## Unreasonable Search and Seizure—Excessive Force (42 U.S.C. § 1983)

(By Plaintiff Alexandra Rasey-Smith against Does 1-3)

18 24. Plaintiff repeats and realleges each and every allegation in paragraphs 1  
19 through 23 of this Complaint with the same force and effect as if fully set forth  
20 herein.

21       25. The involved officers unjustified shooting deprived DECEDENT of his  
22 right to be secure in his persons against unreasonable searches and seizures as  
23 guaranteed to DECEDENT under the Fourth Amendment to the United States  
24 Constitution and applied to state actors by the Fourteenth Amendment.

25     26. The unreasonable use of force by involved officers deprived DECEDENT of  
26 his right to be secure in his person against unreasonable searches and seizures as  
27 guaranteed to him under the Fourth Amendment to the United States Constitution  
28 and applied to state actors by the Fourteenth Amendment. This unreasonable and

1 excessive use of force includes fatally shooting an individual holding a white  
2 plastic fork, which is not a dangerous weapon and does not resemble a dangerous  
3 weapon. There were also several less than lethal alternatives such as the bean bag  
4 shotgun, tasers and pepper spray. DECEDENT was also significantly outnumbered  
5 by the involved police officers and most of the involved officers did not fire their  
6 guns, which further supports that a reasonable officer under similar circumstances  
7 would not have found it appropriate to use deadly force under against DECEDENT.

8 27. As a result, DECEDENT suffered extreme mental and physical pain  
9 and suffering, loss of enjoyment of life and eventually suffered a loss of life and of  
10 earning capacity. Plaintiff has also been deprived of the life-long love,  
11 companionship, comfort, support, society, care, and sustenance of DECEDENT, and  
12 will continue to be so deprived for the remainder of her natural life.

13 28. As a result of the conduct of the involved officers, they are liable for  
14 DECEDENT's injuries, either because they were integral participants in the  
15 excessive force, or because they failed to intervene to prevent these violations.

16 29. This use of deadly force was excessive and unreasonable under the  
17 circumstances, especially since DECEDENT was only holding a plastic fork, he  
18 never physically injured anyone, he did take or try to obtain any of the officers' guns  
19 and he did not pose an immediate threat of death or serious bodily injury at the time  
20 of the shooting. The involved officers also did not give DECEDENT a verbal  
21 warning that deadly force would be used before they shot him, despite being feasible  
22 to do so. Defendants' actions thus deprived DECEDENT of his right to be free from  
23 unreasonable searches and seizures under the Fourth Amendment and applied to  
24 state actors by the Fourteenth Amendment.

25 30. The conduct of the involved officers was willful, wanton, malicious,  
26 and done with reckless disregard for the rights and safety of DECEDENT and  
27 therefore warrants the imposition of exemplary and punitive damages as to the  
28 involved officers.

1       31. Plaintiff brings this claim as successor-in-interest to the DECEDENT,  
2 and seeks both survival damages, including DECEDENT's pain and suffering and  
3 loss of life/enjoyment of life and wrongful death damages for the violation of  
4 DECEDENT's rights.

5 || 32. Plaintiff also seeks attorney fees under this claim.

## SECOND CLAIM FOR RELIEF

## 8 | Unreasonable Search and Seizure—Denial of Medical Care (42 U.S.C. § 1983)

9 (By Plaintiff Alexandra Rasey-Smith against Defendants DOES 1-3)

10       33. Plaintiff repeats and realleges each and every allegation in paragraphs 1  
11 through 32 of this Complaint with the same force and effect as if fully set forth  
12 herein.

13       34. The denial of medical care by Defendant Does 1-3 deprived  
14 DECEDENT of his right to be secure in his person against unreasonable searches  
15 and seizures as guaranteed to DECEDENT under the Fourth Amendment to the  
16 United States Constitution and applied to state actors by the Fourteenth Amendment.

17       35. As a result, DECEDENT suffered extreme mental and physical pain  
18 and suffering and eventually suffered a loss of life and earning capacity. Plaintiff  
19 has also been deprived of the life-long love, companionship, comfort, support,  
20 society, care, and sustenance of DECEDENT, and will continue to be so deprived  
21 for the remainder of her natural life. Plaintiff is also claiming funeral and burial  
22 expenses and a loss of financial support.

23       36. Defendant Does 1-3 knew that failure to provide timely medical  
24 treatment to DECEDENT could result in further significant injury or the  
25 unnecessary and wanton infliction of pain, but disregarded that serious medical  
26 need, causing DECEDENT great bodily harm and death.

27       37. After shooting DECEDENT multiple times, DOES 1-3 did not timely  
28 summons medical attention for DECEDENT, who was bleeding profusely and had

1 obvious serious injuries, and DOES 1-3 also did not allow and prevented  
2 responding medical personnel on-scene to timely render medical aid/assistance to  
3 DECEDEDENT.

4       38. The conduct of Does 1-3 was willful, wanton, malicious, and done with  
5 reckless disregard for the rights and safety of DECEDENT and therefore warrants  
6 the imposition of exemplary and punitive damages as to Defendant Does 1-3.

7       39. Plaintiffs bring this claim as a successors-in-interest to DECEDENT,  
8 and seek both survival and wrongful death damages for the violation of  
9 DECEDENT's rights.

10 || 40. Plaintiff also seeks attorney's fees under this claim.

## **THIRD CLAIM FOR RELIEF**

## **Substantive Due Process (42 U.S.C. § 1983)**

(By all Plaintiffs against Defendant DOES 1-3)

14           41. Plaintiffs repeat and reallege each and every allegation in  
15 paragraphs 1 through 40 of this Complaint with the same force and effect as if fully  
16 set forth herein.

17       42. ALEXANDRA RASEY-SMITH and had a cognizable interest under  
18 the Due Process Clause of the Fourteenth Amendment of the United States  
19 Constitution to be free from state actions that deprive her of life, liberty, or property  
20 in such a manner as to shock the conscience, including but not limited to,  
21 unwarranted state interference in Plaintiff's familial relationship with her husband,  
22 DECEDENT.

23       43. GORDON GENE MACCANI had a cognizable interest under the Due  
24 Process Clause of the Fourteenth Amendment of the United States Constitution to be  
25 free from state actions that deprive him of life, liberty, or property in such a manner  
26 as to shock the conscience, including but not limited to, unwarranted state  
27 interference in Plaintiff's familial relationship with his son, DECEDENT.

1       44. JANET MACCANI had a cognizable interest under the Due Process  
2 Clause of the Fourteenth Amendment of the United States Constitution to be free  
3 from state actions that deprive her of life, liberty, or property in such a manner as to  
4 shock the conscience, including but not limited to, unwarranted state interference in  
5 Plaintiff's familial relationship with her son, DECEDEDENT.

6       45. As a result of the excessive force by DOES 1-3, and their failure to  
7 intervene, DECEDEDENT died. Plaintiffs ALEXANDRA RASEY-SMITH,  
8 GORDON GENE MACCANI, and JANET MACCANI were thereby deprived of  
9 their constitutional right of familial relationship with DECEDEDENT.

10       46. Does 1-3, acting under color of state law, thus violated the Fourteenth  
11 Amendment rights of ALEXANDRA RASEY-SMITH, GORDON GENE  
12 MACCANI, and JANET MACCANI to be free from unwarranted interference with  
13 their familial relationship with DECEDEDENT.

14       47. The aforementioned actions of DOES 1-3, along with other  
15 undiscovered conduct, shock the conscience, in that they acted with deliberate  
16 indifference to the constitutional rights of DECEDEDENT and Plaintiffs  
17 ALEXANDRA RASEY-SMITH, GORDON GENE MACCANI, and JANET  
18 MACCANI and with purpose to harm unrelated to any legitimate law enforcement  
19 objective.

20       48. Defendants DOES 1-3, acting under color of state law, thus violated the  
21 Fourteenth Amendment rights of DECEDEDENT and Plaintiffs.

22       49. As a direct and proximate cause of the acts of DOES 1-3, DECEDEDENT  
23 experienced severe pain and suffering and lost his life and earning capacity.  
24 Plaintiffs suffered extreme and severe mental anguish and pain and have been  
25 injured in mind and body. Plaintiffs has also been deprived of the life-long love,  
26 companionship, comfort, support, society, care and sustenance of DECEDEDENT, and  
27 will continue to be so deprived for the remainder of their natural lives. Plaintiffs are  
28 also claiming funeral and burial expenses.

1       50. As a result of the conduct of Does 1-3, they are liable for  
2 DECEDENT'S injuries, either because they were integral participants in the denial  
3 of due process, or because they failed to intervene to prevent these violations.

4       51. The conduct of DOES 1-3 was willful, wanton, malicious, and done  
5 with reckless disregard for the rights and safety of DECEDENT and Plaintiffs and  
6 therefore warrants the imposition of exemplary and punitive damages as to  
7 Defendant DOES 1-3.

8       52. Plaintiffs brings this claim individually and seek wrongful death  
9 damages for the violation of Plaintiffs' rights.

10 || 53. Plaintiffs also seek attorney fees under this claim.

**FOURTH CLAIM FOR RELIEF**  
**Battery (Cal. Govt. Code § 820)**  
**(Survival and Wrongful Death)**

13 (By Plaintiff Alexandra Rasey-Smith against Defendants Does 1-3 and 11-13,  
14 County and State)

15 54. Plaintiffs repeat and realleges each and every allegation in  
16 paragraphs 1 through 53 of this Complaint with the same force and effect as if fully  
17 set forth herein.

18       55. DOES 1-3, while working as police officers for the CITY's police  
19 department, and while acting within the course and scope of their duties,  
20 intentionally shot DECEDENT. As a result of the actions of DOES 1-3,  
21 DECEDENT suffered severe pain and suffering and ultimately died from his  
22 injuries and lost earning capacity. DOES 1-3 had no legal justification for using  
23 force against DECEDENT and said defendants' use of force while carrying out their  
24 police officer duties was an unreasonable use of force. Especially since  
25 DECEDENT was only holding a plastic fork, and was not armed with a dangerous  
26 weapon like a knife or gun, DECEDENT never physically injured anyone during the  
27 incident, and there were less than lethal alternatives to using deadly force against  
28 DECEDENT.

1       56. As a direct and proximate result of Defendants' conduct as alleged  
2 above, Plaintiff suffered extreme and severe mental anguish and pain and has been  
3 injured in mind and body. Plaintiff also has been deprived of the life-long love,  
4 companionship, comfort, support, society, care and sustenance of her husband,  
5 DECEDED, and will continue to be so deprived for the remainder of her natural  
6 life. Plaintiff is also claiming funeral and burial expenses and loss of financial  
7 support.

8        57. CITY is vicariously liable for the wrongful acts of DOES 1-3 pursuant  
9 to section 815.2(a) of the California Government Code, which provides that a public  
10 entity is liable for the injuries caused by its employees within the scope of the  
11 employment if the employee's act would subject him or her to liability.

12       58. The conduct of DOES 1-3 was malicious, wanton, oppressive, and  
13 accomplished with a conscious disregard for the rights of Plaintiff and DECEDEDENT,  
14 entitling Plaintiff, individually and as successors-in-interest to DECEDEDENT, to an  
15 award of exemplary and punitive damages.

16       59. Plaintiff brings this claim both individually and as a successors-in-  
17 interest to DECEDENT, and seek both survival damages, including pre-death pain  
18 and suffering, loss of life/enjoyment of life and wrongful death damages under this  
19 claim.

**FIFTH CLAIM FOR RELIEF**  
**Negligence (Cal. Govt. Code § 820)**  
(Survival and Wrongful Death)

(By Plaintiff Alexandra Rasey-Smith against All Defendants)

25       60. Plaintiff repeats and realleges each and every allegation in paragraphs 1  
26 through 59 of this Complaint with the same force and effect as if fully set forth  
27 herein.

1       61. The actions and inactions of the Defendants were negligent and  
2 reckless, including but not limited to:

- (a) the failure to properly and adequately assess the need to detain, arrest, and use force or deadly force against DECEDENT;
- (b) the negligent tactics and handling of the situation with DECEDENT, including pre-shooting negligence;
- (c) the negligent detention, arrest, and use of force, including deadly force, against Decedent;
- (d) failure to recognize that DECEDENT was holding a white plastic fork and not a dangerous weapon like a knife or a gun;
- (e) the failure to provide a verbal warning that deadly force would be used, despite being feasible to do so;
- (f) the failure to continue to use less than lethal alternatives to deadly force that were readily available to the involved officers;
- (g) the failure to summons and provide prompt medical care to Decedent;
- (h) the failure to properly train and supervise employees, both professional and non-professional, including DOES 1-3;
- (i) the failure to ensure that adequate numbers of employees with appropriate education and training were available to meet the needs of and protect the rights of DECEDENT; and
- (j) the negligent handling of evidence and witnesses.

23       62.     As a direct and proximate result of Defendants' conduct as alleged  
24 above, and other undiscovered negligent conduct, DECEDENT was caused to suffer  
25 severe pain and suffering and ultimately died and lost earning capacity. Further, as  
26 a direct and proximate result of Defendants' conduct as alleged above, Plaintiff  
27 suffered extreme and severe mental anguish and pain and has been injured in mind  
28 and body. Plaintiff also has been deprived of the life-long love, companionship,

1 comfort, support, society, care and sustenance of DECEDENT, and will continue to  
2 be so deprived for the remainder of her natural life. Plaintiff also is claiming funeral  
3 and burial expenses and loss of financial support.

4       63. CITY is vicariously liable for the wrongful acts of DOES 1-3 pursuant  
5 to section 815.2 of the California Government Code, which provides that a public  
6 entity is liable for the injuries caused by its employees within the scope of the  
7 employment if the employee's act would subject him or her to liability.

8       64. Plaintiff brings this claim both individually and as successor in interest  
9 to DECEDENT and seek both wrongful death damages and survival damages under  
10 this claim, including pre-death pain and suffering.

11

## **SIXTH CLAIM FOR RELIEF**

### **Violation of Bane Act (Cal. Civil Code § 52.1)**

14       (By Plaintiff Alexandra Rasey-Smith against Does 1-3 and City)

15       65. Plaintiff repeat and reallege each and every allegation in paragraphs 1  
16 through 64 of this Complaint with the same force and effect as if fully set forth  
17 herein.

18       66. California Civil Code, Section 52.1 (the Bane Act), prohibits any  
19 person from interfering with another person's exercise or enjoyment of his  
20 constitutional rights by threats, intimidation, or coercion.

21       67. Conduct that violates the Fourth Amendment can also amount to  
22 conduct that violates the California Bane Act. The involved officers' conduct,  
23 including the use of deadly force, constitutes threatening and intimidating behavior,  
24 meant to prevent DECEDENT from exercising both her federal and state rights.

25       68. Defendant DOES 1-3 use of deadly force was excessive and  
26 unreasonable under the circumstances, especially since DECEDENT was only  
27 holding a white plastic fork and was not armed with a dangerous weapon like a  
28 knife or a gun, no one had suffered bodily and DECEDENT never attempted to

1 obtain any of the involved officers' equipment or guns. Further, DECEDEDENT did  
2 not pose an imminent threat of death or serious bodily injury towards anyone when  
3 he was fatally shot and there were less than lethal alternatives available which were  
4 not utilized before resorting to the use of deadly force. The officers also did not  
5 provide a verbal warning that deadly force would be used, prior to shooting  
6 DECEDEDENT, despite being feasible to do so. Defendants' actions thus deprived  
7 DECEDEDENT of his right to be free from unreasonable searches and seizures and to  
8 be free from having unreasonable and excessive force used against him.

9 Defendants' actions violated DECEDEDENT's state and federal rights, including the  
10 right to be free from the use of excessive and unreasonable force. Further, the  
11 involved officers acted with a reckless disregard of constitutional and statutory  
12 rights of the Decedent, including the right to be free from having unreasonable and  
13 excessive deadly force used against him.

14       69. The involved officers intentionally used excessive and unreasonable  
15 deadly force against DECEDEDENT by recklessly disregarding the DECEDEDENT's  
16 right to be free from excessive force.

17       70. DOES 1-3, while working as police officers for the CITY's police  
18 department, and acting within the course and scope of their duties, interfered with or  
19 attempted to interfere with the rights of DECEDEDENT to be free from unreasonable  
20 searches and seizures, to equal protection of the laws, to access to the courts, and to  
21 be free from state actions that shock the conscience, by threatening or committing  
22 acts involving violence, threats, coercion, or intimidation.

23       71. On information and belief, DECEDEDENT reasonably believed that if he  
24 exercised his rights, including his federal civil rights and state law rights, DOES 1-3  
25 would commit acts involving violence, threats, coercion, or intimidation against  
26 him.

27  
28

1       72. On information and belief Defendant DOES 1-3 injured DECEDENT  
2 to prevent him from exercising his rights or retaliated against Decedent for having  
3 exercised his rights.

4       73. DECEDENT was caused to suffer extreme pain and suffering and  
5 eventually suffered a loss of life and of earning capacity. Plaintiff has also been  
6 deprived of the life-long love, companionship, comfort, support, society, care, and  
7 sustenance of DECEDENT, and will continue to be so deprived for the remainder of  
8 her natural life. Plaintiff is also claiming funeral and burial expenses and a loss of  
9 financial support.

10      74. The conduct of DOES 1-3 was a substantial factor in causing the  
11 harms, losses, injuries, and damages of DECEDENT and Plaintiff.

12      75. CITY is vicariously liable for the wrongful acts of DOES 1-3 pursuant  
13 to section 815.2(a) of the California Government Code, which provides that a public  
14 entity is liable for the injuries caused by its employees within the scope of the  
15 employment if the employee's act would subject him or her to liability.

16      76. The conduct of DOES 1-3 was malicious, wanton, oppressive, and  
17 accomplished with a conscious disregard for the rights of DECEDENT entitling  
18 Plaintiff to an award of exemplary and punitive damages.

19      77. Plaintiff brings this claim in a representative capacity as the successors-  
20 in-interest to DECEDENT, and seek survival damages, including for pre-death pain  
21 and suffering and loss of life/enjoyment of life for the violation of DECEDENT's  
22 rights.

23      78. The Plaintiff also seeks statutory attorney's fees under this claim,  
24 including a multiplier as permitted by law.

25      ///

26      ///

27      ///

28      ///

## **PRAYER FOR RELIEF**

2 WHEREFORE, Plaintiffs request entry of judgment in her favor and against  
3 Defendants City of Los Angeles and Does 1-10, inclusive, as follows:

- A. For compensatory damages, including both survival damages, including pain and suffering and loss of life/enjoyment of life and wrongful death damages under state law and federal law, in the amount to be proven at trial;
- B. For funeral and burial expenses and loss of financial support;
- C. For punitive damages against the individual defendants in an amount to be proven at trial;
- D. For interest;
- E. For treble damages under Civil Code Section 52.1.
- F. For reasonable costs of this suit and attorneys' fees; and
- G. For such further other relief as the Court may deem just, proper, and appropriate.

18 || DATED: April 19, 2024

## LAW OFFICES OF DALE K. GALIPO

By /s/ Dale S. Galipo  
Dale K. Galipo  
Eric Valenzuela  
Attorneys for Plaintiffs

**DEMAND FOR JURY TRIAL**

Plaintiffs hereby demand a trial by jury.

DATED: April 19, 2024

## LAW OFFICES OF DALE K. GALIPO

By /s/ Dale S. Galipo  
Dale K. Galipo  
Eric Valenzuela  
Attorneys for Plaintiffs